

CHICAGO R2A2 MAPPING

Organization: Office of Chief Counsel

Date: 9/13/02

Services Provided to											
<i>Roles & Responsibilities</i>	<i>Accountabilities</i>	<i>Authorities</i>	<i>SC</i>	<i>Other Prog. Offices</i>	<i>Other HQ Offices</i>	<i>OM</i>	<i>CH Area Offices</i>	<i>GOGO</i>	<i>Other CH Offices</i>	<i>CH Employees</i>	<i>Non-CH Area Offices</i>
LITIGATION											
A. <u>Management and Oversight of Litigation against DOE and NNSA</u> Assists the Department of Justice in management and oversight of litigation against DOE and NNSA (for MOX program and other NNSA programs assigned to CH), by:	DOE General Counsel Cognizant Assistant U.S. Attorney, Department of Justice				X						
• drafting and/or reviewing pleadings,					X						
• researching issues,					X						
• coordinating CH search and response to discovery requests, and,					X	X					
• providing interface with DOE Management.			X	X	X	X	X	X	X		
B. <u>Oversight of Contractor Litigation</u> Provides oversight of contractor management of outside legal services, including but not limited to:	DOE General Counsel HCA Contracting Officer	10 CFR Part 719 COR Warrants CH O 224.1 Contractor Performance Based Business Management Process									
• negotiating performance measures and validating contractor mid-year and final self-assessments against those measures;							X		X		
• Reviewing and approving or disapproving Contractor requests relating to litigation (initiation, defense, retention of outside counsel, etc.);							X		X		
• approving contractor engagement letters, Staffing and Resource Plans, Budgets, and other deliverables;							X		X		

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<ul style="list-style-type: none">• approving reimbursement of outside legal costs;• recommending approval of settlements and/or negotiation authorization requests;• reviewing pleadings and supporting briefs;• Assessing each case with Contractor, by close of pleadings and close of discovery;• recommending settlements for Contracting Officer approval;• Informing the Contracting Officer, in writing, of any violations of applicable requirements;• Ensuring contract funds are not used to pay proceeding costs which are unallowable under the Major Fraud Act;• Ensuring timely submission of accurate quarterly litigation and cost reports to the General Counsel's Tracking System.							X		X			
							X		X			
							X		X			
							X		X			
							X		X			
							X		X			
							X		X			
					X							
C. <u>Administrative Claims</u> a. Serves as Deciding Official for Federal Tort Claims	DOE General Counsel/CFO if GC approves voucher for payment	10 CFR Part 1014 March 11, 1980 Memorandum from General Counsel Lynn Coleman to Chief Counsels.			X	X						
b. Serves as recommending official and settlement official on claims for Loss of or Damage to Personal Property	DOE General Counsel/CFO	31 U.S.C. 3721 ERDA M 0310 DOE O 1500.2A							X			

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c. Determines allowability of real estate purchase and sale expenses claimed by an employee who has relocated to a new DOE duty station in accordance with federal requirements and relevant case law.	CH Manager/CFO	DOE Order 1500.2A DOE Form 1520.1				X	X	X	X	X	
d. Concurs in Payment Acceptance Determinations for DOE employee travel that is paid for by a non-Federal source. Drafts the conflict of interest analysis for the Manager's signature.	DOE General Counsel Field Office Manager	41 CFR Part 304-1 Memo R. Goldenberg to Field Office Managers dated July 15, 1996				X	X	X	X		
D. <u>Contingent Liability Reporting</u>	DOE General Counsel	31 U.S.C. section 3515 Annual Request from General Counsel									
• Obtains Contractor Reports					X						
• Prepares Report to General Counsel					X						
E. <u>ADR Liaison</u>	DOE General Counsel HCA/Head of Field Element	Administrative Dispute Resolution Act of 1996 10 CFR Part 719 DOE <i>Statement of Policy on Alternative Dispute Resolution</i> , issued by the General Counsel on September 18, 1995									
• Encourages use of ADR to resolve disputes					X	X	X	X	X		
• Provides support to DOE Director of Dispute Resolution					X						

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GENERAL LAW												
1. <u>Ethics</u>	DOE General Counsel GC-80	Memorandum dated August 27, 1996 Ralph Goldenberg, Assistant General Counsel for General Law (GC-80) to Field Counsel. FAR 3.104										
<ul style="list-style-type: none">Serves as agency ethics official for CH					X	X	X	X	X	X		
<ul style="list-style-type: none">Distributes and reviews all OGE 450's for CH employees					X					X		
<ul style="list-style-type: none">Provides general ethics guidance to CH employees					X	X	X	X	X	X		
<ul style="list-style-type: none">Provides ethics training to CH employees					X					X		
<ul style="list-style-type: none">Prepares and issues statutory waivers for CH OGE 450 filers allowing employees to participate in matters in which they have a financial interest					X	X	X	X	X	X		
<ul style="list-style-type: none">Prepares and issues for OGE 450 filers regulatory authorization for supervisors to sign to allow employees to participate in matters in which there may be a questions regarding their impartiality					X	X	X	X	X	X		
<ul style="list-style-type: none">Approves outside employment requests by CH employees except for SF278 filers					X	X	X	X	X	X		
<ul style="list-style-type: none">Provides written opinions to CH employees regarding statutory post employment restrictions					X						X	
<ul style="list-style-type: none">Provides guidance regarding the Procurement Integrity Act								X	X	X	X	

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2. <u>Whistleblower Complaints</u> . Supports the CH Employee Concerns Program and CH management in handling/resolving complaints under 10 CFR 708.	DOE General Counsel CH Manager	10 CFR Part 708 CH O 442.1			X				X		
3. <u>FOIA/Privacy Act</u>	DOE General Counsel CH Manager Director of DOE FOIA/PA (MA-73)	10 CFR Part 1004 10 CFR Part 1008 Letter from CH Manager dated March 22, 1996 to CH Chief Counsel.									
Manages DOE's FOIA/Privacy Act and Information Programs for CH, by:						X	X	X	X		
• Assuring requests are proper requests.						X	X	X	X		
• Acknowledging requests, assigning docket number and authorizing official/system manager						X	X	X	X		
• Assuring response meets appropriate statutory/regulatory deadlines						X	X	X	X		
• Assuring that statutory exemptions are properly exercised and prepares denial letters for CH Manager						X	X	X	X		
• Responding to appeals to OHA						X			X		
• Maintaining CH FOIA/PA tracking system									X		
<u>Related Information Management Responsibilities</u>	DOE General Counsel CH Manager										
• Assures timely assistance to Energy Employee Occupational Illness Compensation Program Act (EEOICPA) Requests								X			
• Serves as CH Technical Information Officer						X	X	X	X		

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<ul style="list-style-type: none">Assists in placing documents required by E-FOIA in Public Reading Rooms					X	X	X	X	X		
4. <u>Personnel Issues.</u>	DOE General Counsel CH Manager	DOE O 3750.1 DOE M 321.1-1 DOE O 2200.2B									
<ul style="list-style-type: none">Provides advice on labor, employment, personnel, and personnel security law						X	X	X	X		
<ul style="list-style-type: none">Represent the agency at MSPB, EEOC and OHA security clearance (administrative review) hearings					X	X	X	X	X		
<ul style="list-style-type: none">Concurs in IPAs, including COI determinations						X	X	X	X	X	
<ul style="list-style-type: none">Assures due process for employee debts prior to submission for collection											X
5. <u>Appropriations Law.</u> Provides advice regarding appropriation law issues.	DOE General Counsel					X	X	X	X		
6. <u>Directives Reviews.</u> Reviews all draft directives, and concurs on all CH comments on draft DOE directives.	CH Manager DOE General Counsel		X			X	X	X	X		
INTELLECTUAL PROPERTY LAW											
1. <u>Serves as DOE IP Center of Excellence</u> by providing support to Headquarters and field organizations, including:	DOE General Counsel DOE Assistant Secretaries & Directors for SC, FE, EE, NE, EM CH Manager Golden Manager RF Manager ID Manager NETL Director ALRC Director	48 CFR 970 Internal Patent Instructions (IPIs), issued by GC-62 Formal and Informal Delegations, written and verbal, from General Counsel, and GC-62									
<ul style="list-style-type: none">the Assistant General Counsel for Intellectual Property Law and Technology Transfer (GC-62)					X						
<ul style="list-style-type: none">the Office of Science			X								
<ul style="list-style-type: none">Fossil Energy				X							

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<ul style="list-style-type: none">Energy Efficiency	Ohio Director			X								
<ul style="list-style-type: none">Nuclear Energy				X								
<ul style="list-style-type: none">Environmental Management					X							
<ul style="list-style-type: none">Chicago Operations Office						X	X	X				
<ul style="list-style-type: none">Golden Field Office											X	
<ul style="list-style-type: none">Rocky Flats Field Office											X	
<ul style="list-style-type: none">Idaho Operations Office											X	
<ul style="list-style-type: none">National Energy Technology Laboratory											X	
<ul style="list-style-type: none">Albany Research Center											X	
<ul style="list-style-type: none">Rocky Mountain Oil Testing Center											X	
<ul style="list-style-type: none">Ohio Field Office											X	
2. <u>Provides intellectual property services, including:</u>												
a. reviews, negotiates, and drafts intellectual property rights provisions in contracts, grants, agreements, licenses, nondisclosure agreements, Cooperative Research and Development Agreements (CRADAs), Work for Others, Interagency Agreements, Interagency Agreements, and International Agreements. [Approximately seventy CRADAs, 150 WFOs, and over 7000 contracts are reviewed and/or negotiated each year.]	Contracting Officer	15 USC 3710a DOE O 481.1 DOE O 482 DOE O 483 42 USC 2182 42 USC 5908 35 USC 200 10 CFR 600 48 CFR 927, 952 FAR Part 27	X	X	X	X	X	X	X		X	

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b. reviews, manages and processes DOE funded inventions. [Over 700 new invention disclosures are received each year as a result of research activities sponsored by IPL customers.]	DOE General Counsel GC-62 DOE GOGO Lab Directors	42 USC 2182 42 USC 5908 35 USC 200 15 USC 3710a	X	X	X		X	X	X		
c. prosecutes patent applications on behalf of the Government;	Secretary of Energy GC-62	35 USC 207 42 USC 2182 42 USC 5908	X	X	X		X	X	X		
d. obtains confirmatory licenses and assignments on behalf of the government;	Secretary of Energy GC-62	35 USC 200 42 USC 2182 42 USC 5908	X	X	X		X	X	X		
e. processes patent waiver requests;	Secretary of Energy PSOs DOE General Counsel GC-62	42 USC 7261(a) 42 USC 2182 42 USC 5908 10 CFR 784	X	X	X		X	X	X		
f. processes copyright requests;	Contracting Officer GC-62	10 CFR 600 48 CFR 927 48 CFR 970	X	X	X		X		X		X
g. conducts patent clearances for reports and publications	Contracting Officer GC-62 OSTI	42 USC 5908 42 USC 2182 DOE O 241 48 CFR 927			X		X	X			X
h. develops intellectual property management plans for DOE programs;	PSOs GC-62	42 USC 2182 42 USC 5908 10 CFR 784 15 USC 3710a 35 USC 200 35 USC 207	X	X	X						
i. obtains appropriate trademark/servicemark and mask work protection for the Government; and,	Secretary of Energy PI-25 GC-62	42 USC 7261(a)	X	X	X		X	X			X

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j. participates in the Technology Transfer Working Group.		15 USC 3710a DOE O 481.1B DOE O 482	X	X	X	X	X	X	X		X
ENVIRONMENTAL PROTECTION, SAFETY AND HEALTH, AND SECURITY COMPLIANCE											
a. Provides legal advice on cross cutting issues relating to environmental restoration and waste management at DOE owned sites	CH Manager Customer		X			X	X	X	X		
b. Provides legal advice on general and site specific environmental issues including NHPA, CERCLA, RCRA	DOE General Counsel	DOE M 411.1-1 CH M 411.1-1	X			X	X	X	X		
c. Provides legal advice and counsel to Accident Investigation Boards	DOE General Counsel	DOE O 470.2A CH M 225.1A			X	X			X		
d. Provides legal advice regarding packaging and transportation issues.	DOE General Counsel	DOE M 411.1-1 CH M 411.1-1	X			X	X	X	X		
e. Provides legal advice on compliance with NEPA.	DOE General Counsel	10 CFR Part 1021 DOE M 411.1-1 CH M 411.1-1	X			X	X	X	X		
f. Provides legal advice on security and law enforcement matters	DOE General Counsel	10 CFR Part 710				X	X	X	X		
g. Assists in response to Congressional inquiries and IG Reports	DOE General Counsel		X	X	X	X					
h. Approves employee travel aboard government aircraft		DOE O 440.2A Aviation Safety				X	X	X	X		

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CONTRACTS AND PROCUREMENT												
1. General M&O Support to the five CH Area Offices on all legal issues relating to the M&O contracts, including:	DOE General Counsel CH Manager/HCA Contracting Officer	FAR/DEAR										
a. Contract Solicitation and Award:												
<ul style="list-style-type: none">Serves as lead negotiator for M&O contract extensions or competition.						X	X					
<ul style="list-style-type: none">Assists in preparation of extend/compete documentation, pre-negotiation objectives.			X			X	X					
<ul style="list-style-type: none">Negotiates fee and other Terms and Conditions						X	X					
<ul style="list-style-type: none">Assists in preparation of FAR/DEAR deviations for M&O contracts.						X	X					
b. Prepares 85-804 requests for indemnification of M&O Contractor and subcontractors participating in nuclear or hazardous activities.	DOE General Counsel CH Manager/HCA PSO		X	X		X	X					
c. Serves as legal representative on CH Davis-Bacon committee.	DOE General Counsel HCA/Contracting Officer	DOE O 350.1 CH O 350.1 CH Announcement 0013 dated 7/22/99				X	X					
d. Assists in processing payments in lieu of taxes; concurs on eligibility of taxing authority	DOE General Counsel CH Manager/HCA	DOE O 2100.12A				X	X					

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2. <u>Contract Management and Administration</u> Provides a full range of legal support to non M&O contracts, financial assistance and other agreements.	DOE General Counsel CH Manager/HCA Contracting Officer	FAR/DEAR	X	X					X		
a. Serves as legal advisor on acquisition/ assistance boards/panels for all CH customers.			X	X					X		
b. Serves as legal representative on Independent Review Board of major CH contract/financial assistance actions.		CH O 971.1				X			X		
c. Assists the Contracting Officer in drafting Contracting Officer decisions.						X			X		
3. <u>Property</u> . Provides legal advice regarding the acquisition, management and disposal of real and personal property, including leases, easements, permits, condemnations, loans, etc.						X	X	X	X		
4. <u>Disputes</u> . Provides support to the Contracting Officer in responding to bid protests and contract disputes.	DOE General Counsel HCA/Contracting Officer	48 CFR Part 33 10 CFR Part 1023 41 U.S.C. 601 et seq.,				X			X		
5. <u>Assistance Instruments</u> . Provides a full range of legal support in awarding and administration of grants and cooperative agreements.	DOE General Counsel HCA/Contracting Officer	10 CFR Part 600 10 CFR Part 1024	X	X					X		
6. <u>Tax Issues</u> . Provides legal support regarding tax issues.	DOE General Counsel HCA/Contracting Officer					X	X	X	X		
7. <u>Miscellaneous</u> . Provides legal advice and guidance regarding privatization (3rd party financing) and community transition issues.	DOE General Counsel HCA/Contracting Officer						X		X		

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8. <u>Support Services Contracts.</u> Provides support.	HCA/Contracting Officer	CH 0 548.1 ACQ P&P 04.8D STS SOP	X	X					X		
9. C.O. Appointments. Issues COI clearance.	CH Manager	CH M 541.1				X			X		